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7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

Case No. 2:23-mj-991-BNW

9 Plaintiff,

10 v.
11 **Stipulation to Extend Deadlines to**
12 **Conduct Preliminary Hearing and**
13 **File Indictment (First Request)**

NAYELI ALEJANDRA CASILLAS-
MARTINEZ,

14 Defendant.

15 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.
16 Frierson, United States Attorney, and Justin Washburne, Assistant United States
17 Attorney, counsel for the United States of America, and Jacquelyn N. Witt, Assistant
18 Federal Public Defender, counsel for Defendant Nayeli Alejandra Casillas-Martinez,
19 that the Court schedule the preliminary hearing in this case for no earlier than 75
20 days from the date of the filing of this stipulation. This request requires that the
21 Court extend two deadlines: (1) that a preliminary hearing be conducted within 14
22 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2)
23

1 that an information or indictment be filed within 30 days of a defendant's arrest, see
2 18 U.S.C. § 3161(b).

3 This stipulation is entered into for the following reasons:

4 1. The United States Attorney's Office has developed an early disposition
5 program for immigration cases, authorized by the Attorney General pursuant to the
6 PROTECT ACT of 2003, Pub. L. 108-21.

7 2. The early disposition program for immigration cases is designed to: (1) reduce the number of hearings required in order to dispose of a criminal case; (2)
8 avoid having more cases added to the court's trial calendar, while still discharging
9 the government's duty to prosecute federal crimes; (3) reduce the amount of time
10 between complaint and sentencing; and (4) avoid adding significant time to the
11 grand jury calendar to seek indictments in immigration cases, which in turn reduces
12 court costs.

13 3. The government has made a plea offer in this case that requires
14 defendant to waive specific rights and hearings in exchange for "fast-track"
15 downward departure under USSG § 5K3.1. This offer will be withdrawn if it is not
16 timely accepted before this matter is indicted and before a preliminary hearing is
17 held.

18 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold
19 the preliminary hearing within a reasonable time, but no later than 14 days after
20 the initial appearance if the defendant is in custody"

21 5. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon
22 a showing of good cause—taking into account the public interest in the prompt

1 disposition of criminal cases—a magistrate judge may extend the time limits in Rule
2 5.1(c) one or more times . . .”

3 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
4 information or indictment charging an individual with the commission of an offense
5 shall be filed within thirty days from the date on which such individual was arrested
6 or served with a summons in connection with such charges.”

7 7. The government has extended a Fast Track offer, and defense counsel
8 needs additional time to review and discuss the offer with the defendant.

9 8. Defendant needs additional time to review the discovery and
10 investigate potential defenses to make an informed decision as to how to proceed,
11 including whether to accept the fast-track plea agreement.

12 9. Accordingly, the parties jointly request that the Court schedule the
13 preliminary hearing in this case no sooner than 75 days from today’s date.

14 10. Defendant is in custody and agrees to the extension of the 14-day
15 deadline imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c)
16 or 18 U.S.C. § 3161(b), provided that the information or indictment is filed on or
17 before the date ordered pursuant to this stipulation .

18 11. The parties agree to the extension of that deadline.

19 12. This extension supports the public interest in the prompt disposition of
20 criminal cases by permitting defendant to consider entering into a plea agreement
21 under the United States Attorney’s Office’s fast-track program for § 1326
22 defendants.

13. Accordingly, the additional time requested by this stipulation is allowed under Federal Rule of Criminal Procedure 5.1(d).

14. In addition, the parties stipulate and agree that the time between today and the scheduled preliminary hearing is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

15. This is the first request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 28th day of November, 2023.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

/s/ Jacquelyn N. Witt
JACQUELYN N. WITT
Assistant Federal Public Defender
Attorney for Nayeli Alejandra
Casillas-Martinez

/s/ Justin Washburne
JUSTIN J. WASHBURN
Assistant United States Attorneys

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:23-mj-991-BNW

Plaintiff,

V.

NAYELI ALEJANDRA CASILLAS-MARTINEZ,

[Proposed] Order on Stipulation to Extend Deadlines to Conduct Preliminary Hearing and File Indictment

Defendant.

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on December 4, 2023 at the hour of 2:00 p.m., be vacated and continued to 2/13/2024 at the hour of 2:00 pm.

DATED this 29 day of November, 2023.

Brenda Weksler
HONORABLE BRENDA N. WEKSLER
UNITED STATES MAGISTRATE JUDGE